

INCORPORATED VILLAGE OF CEDARHURST

200 Cedarhurst Avenue
Cedarhurst, New York 11516

Frank Parise
Superintendent of Public Works

Fee Paid \$500.00

Street Opening Permit
(Fill out in duplicate)
APPLICATION FOR PERMIT

1. Name of Applicant _____
2. Address _____
3. Name of Contact Person _____
4. Telephone Number of Contact Person _____
5. Location & Size of Project (by dimension) _____
6. Purpose of Opening _____
7. Does this project disturb a paved street _____

Date _____ Signature of Applicant _____

Kindly Note

Security required that street will be restored to proper conditions immediately after completion of project, as follows:
Security deposit \$1000.00 in cash or certified check.

Surety Bond satisfactory if approved by Village Attorney for public utilities only.

- a) Permit must be kept available on job and shown upon demand by authorized person.
- b) Restoration to be completed within thirty (30) days from project completion.
- c) Failure to properly restore roadway will oblige Village to do so within (10) ten days after notice by mail and charge cost to applicant. Security deposit may be used by Village of Cedarhurst to make restoration.

By order of the Board of Trustees

By: _____

Salvatore Evola, Clerk Treasurer

The Ordinances shown below are part hereof and set forth for your information and compliance.

§ 224-15. Openings and excavations. No person shall alter or disturb the grade of any street, sidewalk, highway or public place within the Village, nor shall any person in any way open, break or disturb the surface of any road, street, sidewalk, highway or public place in said Village or dig or excavate any such street, road or highway until such person shall first obtain from the Village a permit therefore, signed by the Village Clerk-Treasurer, which permit shall be granted upon payment to the Village Clerk-Treasurer. Said permit fee shall be as set by the Board of Trustees by resolution of a majority vote of its members present at a Board meeting. EN

§ 224-16. Application for permit; public liability insurance. [Amended 11-4-1985 by L.L. No. 13-1985]

- A. Every application for a permit, as herein provided, shall be in writing and signed by the applicant, and it shall be the duty of the Clerk-Treasurer of the Village to have printed forms on which application can be made, which forms shall contain a provision that in consideration of the granting of the permit, the applicant shall defend and keep harmless the Village from all damages caused by the negligence of such applicant in making such excavations or in properly guarding the same or in causing the said roadway to be restored to its proper condition or any other act by applicant.
- B. A public liability insurance policy to cover liability, if any, arising out of operations under permits, indemnifying the Village of Cedarhurst, its officers and employees, as the insured, in an amount not less than \$1,000,000 for bodily injuries, each occurrence; and \$50,000 property damage, each occurrence, \$100,000 aggregate.
 - (1) The name of the insured must be "The Village of Cedarhurst, its Officers and Employees."
 - (2) There must be an endorsement on the policy stating that the contractor (name and address) is liable for premiums generated by the policy.

§ 224-17. Security for restoration of street required. There shall be deposited with the Clerk-Treasurer the sum of \$1,000, in cash or by certified check payable to the Incorporated Village of Cedarhurst, for each opening up to six feet in length by six feet in width, to be held by the Clerk-Treasurer as security for the restoration of the street as per specifications of the Village of Cedarhurst, and upon such restoration said sum shall be returned to said licensee, subject to

§ 224-18. Applicability of security provisions to public utilities for continuous openings; mains. A public utility operating within the Village shall be required to post a surety bond in the amount of the cost of the project, such bond to remain in effect until final approval of the project by the Village. The bond shall be a standard street opening obligation as prescribed by the New York State Insurance Department.

§ 224-19. Issuance of permit not to relieve holder of certain duties, responsibilities. No permit issued in pursuance of this article to any person shall be construed to relieve any applicant for such permit of the duty to properly guard any such excavation by guardrails, signal lights or such other means as may be necessary to warn travelers on the highway of the danger to be apprehended from such excavation, nor shall any permit be construed in any manner to make liable the Village for any negligence of such applicant in making such excavation. EN

§ 224-21. Failure to restore property; authority of Village. In the event of the failure of the applicant to restore properly any pavement disturbed by him or her, within 10 days after written notice to such applicant from the Village, said pavement may be restored by the Village, and the costs thereof, including the costs of erecting and maintaining barriers and barricades about such opening pending the restoration, shall be charged against such applicant. The security deposited under § 224-17 shall be applied toward the cost, and the applicant shall remain liable for the balance of the cost. This section shall in no way relieve the applicant from his or her duty to restore properly any pavement disturbed by him or her.

§ 224-22. Penalties for offenses. In addition to the foregoing sections of this article, the failure on the part of the applicant to restore properly within a reasonable time, as required by the Village, the grade of any street, sidewalk, highway or public place disturbed or altered by or caused to be disturbed or altered by the applicant shall constitute an offense and such applicant shall be liable to a fine set in accordance with Chapter 1, Article III, General Penalty.

RESTORATIONS All pavement shall be restored as per specifications of the Incorporated Village of Cedarhurst.

By : _____
Salvatore Evola Village Clerk Treasure